

REMARKS

Claims 1, 3-12 and 15-22 are now pending in the application.

The undersigned attorney would like to thank the Examiner for the courtesies extended during the personal interview conducted on Wednesday, May 5, 2004. In attendance were the Examiner, the undersigned attorney and the inventor. Product made in accordance with the teachings of the subject application was presented for inspection. While a formal agreement was not reached, the undersigned attorney understands that the proposed amendments to the claims were favorably received. Also discussed during the interview were the structural and functional differences between the teachings of the subject invention and the art of record. The art of record reflects the various commercially available products. Applicant's invention is directed to a distinct product which has created a new market segment. Applicant would welcome the opportunity to present the Examiner with evidence of commercial success.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein and pursuant to the Examiner's Interview held on May 5, 2004.

DRAWINGS

The drawings stand objected to under 37 CFR 1.83(a). Specifically, the Examiner contends that the inflatable bladder and motor recited in the claims must be shown in the drawings or cancelled from the claims. Claims 13 and 14 have been cancelled.

Applicants respectfully submit that the objection to the drawings is now moot.

SPECIFICATION

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner contends that the specification fails to provide proper antecedent basis for the limitations “inflatable bladder” and “a motor for propelling the toy.” Applicant(s) have cancelled claims 13 and 14 directed to these features. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102 AND § 103

Claims 1-17 stand rejected under 35 U.S.C. § 102, § 103 or both. Claims 1, 2, 5, 6, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lorenzo (U.S. Pat. No. 6,461,210). Claims 1, 11, 12 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Milford (U.S. Pat. No. 5,846,108). Claims 1 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hashimoto (U.S. Pat. No. 3,870,006). Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jang (U.S. Pat. No. 5,234,638). Claims 1 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson III (U.S. Pat. No. 5,167,552). Claims 1 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moran (U.S. Pat. No. 5,647,784). Claims 1 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gleason (U.S. Pat. No. 4,020,782). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lorenzo (U.S. Pat. No. 6,461,210). Claim 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jang (U.S. Pat. No. 5,234,638). Claim 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable

over Moran (U.S. Pat. No. 5,647,784). These prior art rejections are respectfully traversed for the reasons discussed below.

As discussed during the personal interview, Applicant considers U.S. Patent No. 6,461,210 to be among the closest cited art. Applicant has amended the claims to even further define the subject invention over the art of record, including the '210 patent.

Beginning with the method claims, independent Claim 17 has been amended to clarify that the step of submersing the water toy in the body of water includes "completely" submersing the water toy. Independent Claim 17 further defines that the toy supports at least a portion of the weight of the user "such that a substantial portion of the user is positioned below an upper surface of the body of water when the user is standing upright on the completely submersed water toy." These limitations are not taught nor suggested by the art of record. Furthermore, the invention defined by independent Claim 17 would not have been obvious in view of the collect art of record.

Accordingly, Applicant respectfully submits that independent Claim 17 and Claims 18-19 dependent therefrom are in a condition for allowance.

Turning to the apparatus claims, independent Claim 1 has been amended to recite that the "main body portion is completely and unitarily formed of a foam material such that the foam material defines the upper deck." These limitations are not taught nor suggested by the art of record. Furthermore, the subject mentioned as defined by independent Claim 1 would not have been obvious in view of the art of record.

Accordingly, Applicant respectfully submits that independent Claims 1 and 17 and Claims 3-12, 15-16 and 18-22 dependent therefrom are in a condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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